

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

MCR OIL TOOLS, LLC,

*Plaintiff,*

v.

SPEX OFFSHORE, LTD. (a/k/a  
SPEX OFFSHORE (UK) LTD.),  
SPEX GROUP US LLC and  
SPEX ENGINEERING (UK) LTD.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 3:17-cv-3510

**DEFENDANTS NOTICE OF REMOVAL**

Defendants SPEX OFFSHORE, LTD. (a/k/a SPEX OFFSHORE (UK) LTD.), SPEX GROUP US LLC and SPEX ENGINEERING (UK) LTD., (collectively, the “Defendants”) hereby remove this action from the 95th Judicial District Court, Dallas County, Texas to this Court pursuant to and in accordance with 28 U.S.C. §§ 1331, 1338. As grounds for this removal, Defendants state as follows:

**FACTS**

1. Plaintiff MCR Oil Tools, LLC (“MCR”) brought a lawsuit in Texas state court alleging that, among other things, Defendants have wrongfully used Plaintiff’s MCR’s Licensed Patents to obtain numerous patents in SPEX’s own name. *See* Petition attached hereto as Exhibit “A”.

2. The Petition alleges that SPEX Patents are derived from MCR’s Licensed Patents. *Id.* at ¶23. The Petition further alleges that the SPEX Patents are considered Improvements on MCR’s Licensed Patents. *Id.* at ¶24. The Petition alleges that the objective of SPEX’s conspiracy was to modify, improve, and develop competing tools and technology, by acquiring

and using MCR's Licensed Patents. *Id.* at ¶64. Finally, MCR seeks to enjoin all activities concerning and all use of MCR's Licensed Patents. *Id.* at ¶71a.

### **FEDERAL QUESTION JURISDICTION**

3. This case concerns a federal question involving patents. The district court has original jurisdiction of any civil action arising under any Act of Congress relating to patents. 28 U.S.C. § 1338. No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents. *Id.* Thus, this Court has original federal-question jurisdiction under Sections 1331 and 1338.

4. No previous removal of this case has been attempted or effected.

### **PAPERS FROM REMOVED ACTION**

5. As required by 28 U.S.C. § 1446(a), Defendants have attached a copy of the Petition, currently on file with the 95th Judicial District Court, Dallas County, Texas, Cause No. DC-17-17592. *See* Exhibit A. No other process or orders have been served upon Defendants in this action. No further proceedings have occurred in the state court action.

### **NOTICE OF FILING NOTICE OF REMOVAL**

6. In accordance with 28 U.S.C. § 1446(d), and to effect removal, Defendants will file a true and correct copy of this Notice of Removal with the Clerk of the 95th Judicial District Court, Dallas County, Texas, Cause No. DC-17-17592.

### **CONCLUSION**

**WHEREFORE**, Defendants SPEX OFFSHORE, LTD. (a/k/a SPEX OFFSHORE (UK) LTD.), SPEX GROUP US LLC and SPEX ENGINEERING (UK) LTD., respectfully remove this action from the 95th Judicial District Court, Dallas County, Texas, Cause No. DC-17-17592, to the United States District Court for the Northern District of Texas.

Respectfully submitted,

/s/ Craig D. Dillard

Craig D. Dillard (#29150)

Federal ID No. 37591

Steven C. Lockhart

State Bar No. 24036981

GARDERE WYNNE SEWELL LLP

2000 Wells Fargo Plaza

1000 Louisiana Street

Houston, Texas 77002

Telephone: (713) 276-5500

Facsimile: (713) 276-5555

cdillard@gardere.com

slockhart@gardere.com

OF COUNSEL:

GARDERE WYNNE SEWELL, LLP

2000 Wells Fargo Plaza

1000 Louisiana Street

Houston, Texas 77002

Telephone: (713) 276-5500

Facsimile: (713) 276-5555

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned Counsel hereby certifies that he notified Plaintiff via facsimile and electronic mail on this the 28th day of December, 2017.

Blake L. Beckham

Blake@beckham-group.com

Jose M. Portela

Jose@beckham-group.com

The Beckham Group P.C.

3400 Carlisle, Suite 550

Dallas, TX 75204

214-965-9301 (fax)

Frank Hill  
[fhill@hillgilstrap.com](mailto:fhill@hillgilstrap.com)  
Frank Gilstrap  
[fgilstrap@hillgilstrap.com](mailto:fgilstrap@hillgilstrap.com)  
Hill Gilstrap, PC  
1400 W. Abram  
Arlington, TX 76013  
817-861-4685 (fax)

/s/ Craig D. Dillard  
Craig D. Dillard